

REMARKS

In the Notice of Non-Compliant Response dated December 19, 2008, the Examiner states that the amendments to the claims presented in Applicants' Response dated September 19, 2008 are not in compliance with 37 C.F.R. §1.126 in that the numbering of the claims must be preserved throughout prosecution.

In response, and for clarity of the record, Applicants deem that the amendments to the claims presented in the September 19, 2008 Response have not been entered, and are providing herewith the foregoing claim listing to replace all previous versions of the claims. Claims 18-19 are now listed as "canceled". Claims 26-27 are added. Certain claims are amended in their dependencies. No new matter is introduced.

Once again, Applicants direct the Examiner's attention to the fact that the Examiner's Restriction Requirement is apparently directed to claims 1-25 originally filed in the PCT application, rather than the 23 claims (claims 1-17 and 20-25) that were presented when the application entered the national stage on May 18, 2005.

Applicants hereby affirm the provisional election made in the Response dated September 19, 2008 of Group I, directed to a method of genotype comprising RNA or DNA from connexion 26. Applicants further respectfully submit that Group I corresponds to claims 1-17 in the foregoing (correct) claim listing. Applicants further affirm the provisional election of SEQ ID NO: 1 for continued prosecution.


Moreover, new claims 26-27 are directed to a method of genotyping a subject based on contacting a panel of allele specific oligonucleotides covering "a mutation in *each* of the genes connexion 26, pendrin, mitochondrial 12s rRNA and usherin". Claim 27 specifically defines the panel of allele specific oligonucleotides as comprising SEQ ID NO: 1 (which covers

the mutation 35W18A in connexion 26). Applicants respectfully submit that to the extent that new claims 26-27 read on genotyping at least connexion 26 and SEQ ID NO: 1, these claims should also be included in the examination.

Applicants direct the Examiner's attention to Applicants' remarks submitted in the Response dated September 19, 2008 in traversing the restriction requirement.

Applicants respectfully urge that the Examiner reconsider and withdraw the requirement for restriction and provide an action on the merits with respect to all the claims (claims 1-17 and 20-27).

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'XZ' followed by a flourish.

Xiaochun Zhu

Registration No. 56,311

SCULLY, SCOTT, MURPHY & PRESSER, P.C.
400 Garden City Plaza-STE 300
Garden City, New York 11530
(516) 742-4343
XZ:ab